

CELL PHONE POLICY
(Adopted by council on 23 June 2016)



THEMBELIHLE
LOCAL MUNICIPALITY
PLAASLIKE MUNISIPALITEIT
U-MASIPALA WASEKUHALENI

1. Purpose

The purpose of this policy is to regulate the procurement for, and use of cell phones by, councillors and staff of the Municipality.

2. Provision of Cell Phones by Municipality for Permanent use

2.1 The following councillors and staff of the Municipality (such councillors and staff being referred to as “recipients”) will be provided with cell phones (such cell phones being referred to as “provided cell phones”) at the expense of the Municipality. This expense shall include the monthly rental and other fixed costs associated therewith, and shall be limited to the following amounts:

Cell Phones

Mayor	Gazetted amount
Part-time Councillors	Gazetted amount
Municipal Manager	R2 750.00
S57 Managers	R2 150.00
S56 Managers	R 1 100.00
Contractual Managers	R 850.00
Essential Users (MM's Discretion)	R 500.00 (unless another amount is approved by the Municipal Manager).

Data cards

Mayor	Gazetted amount
Part-time Councillors	Gazetted amount
Municipal Manager	R400 p.m.
S57 Managers	R400 p.m.
S56 Managers	R400 p.m.
Contractual Managers	500 mb
Essential Users (MM's Discretion)	500 mb

2.2 The Municipal Manager shall have the sole discretion as to which make and model of cell phone shall be provided to any recipient.

- 2.3 Provided cell phones remain the property of the municipality, and must be returned by recipients to the Municipality on demand by the Municipal Manager, or when a councillor ceases to serve as such or when a staff member ceases to be employed by the Municipality.
- 2.4 If any provided cell phone is lost or stolen, that fact must be reported immediately by the recipient to the Municipal Manager and the South African Police Service.
- 2.5 Recipients must at all times take due care of provided cell phones.
- 2.6 If any provided cell phone is damaged or requires servicing, the recipient shall immediately deliver the cell phone to the Municipal Manager who, subject to the provisions of this policy, shall take such steps as may be necessary to have same repaired or serviced.
- 2.7 If any provided cell phone is lost, stolen or damaged beyond repair, the Municipal Manager shall, subject to the provisions of this policy, take such steps as may be necessary to have same replaced.
- 2.8 If the provided cell phone is insured and an excess is needed to get the lost or stolen phone replaced, the municipality reserves the right to recover the insurance excess from such councillor or employee.
- 2.9 If any provided cell phone is damaged, lost or stolen due to the negligence or deliberate act of the recipient, the Municipal Manager may require the recipient to pay the cost of repairing or replacing the cell phone, and the Municipal Manager shall not be obliged to repair or replace same until the recipient pays such cost.

3. Procurement of Cell Phones and Related Services

- 3.1 A “municipal cell phone” shall mean a cell phone (including the SIM card) obtained by the Municipality for purposes of section 2.
- 3.2 Contracts for the procurement of municipal cell phones and for the provision of airtime, insurance and related services may be entered into only in accordance with the Municipality’s Supply Chain Management Policy.
- 3.3 Air time for municipal cell phones may be obtained only on a contract basis, and shall not be obtained on a “pay-as-you-go” basis.
- 3.4 A contract for the acquisition and use of a municipal cell phone must provide that an itemised bill will be issued each month for airtime used on that cell phone.
- 3.5 Each municipal cell phone must be insured by the relevant service provider.

4. Use of Municipal Cell Phones

- 4.1 Municipal cell phones may be used only for official municipal business. The use of Municipal cell phones for private matters may only be done in exceptional circumstances.
- 4.2 No international calls may be made from any municipal cell phone.
- 4.3 Any person who fails to comply with the provisions of 4.1 and 4.2 shall be liable to reimburse the municipality for the costs of the calls made in contravention thereof, and shall also be liable to disciplinary action.
- 4.4 Itemised bills for each municipal cell phone will be obtained each month. A copy of each such bill shall be made available by the Municipal Manager to the recipient of the provided cell phone concerned. If requested by the Municipal Manager, the recipient shall inform the Municipal Manager in writing of the identity of the person to whom any or every call reflected in such bill was made, and if requested, shall justify in writing the making of any or every such call as being for official business purposes.
- 4.5 Recipients of provided cell phones are expected to keep such phones switched on at all reasonable times so as to ensure that they are contactable.
- 4.6 The maximum amount of the usage or airtime charges which the municipality shall pay for each recipient in each month is set out in 2.1. If any recipient exceeds this amount, he or she shall be liable to reimburse the Municipality for the excess unless approved by the Municipal Manager.
- 4.7 If any recipient incurs usage or airtime charges in any month which are less than the maximum amount stated in section 2.1, the shortfall will be forfeited by the user.
- 4.8 If the Municipal cell phone contract has expired or due for upgrade, the employee or councillor can apply to purchase such a handset. If such a request is approved, the municipality will determine a market related price at which the handset can be sold at.
- 4.9 The clause as referred to in 4.8 excludes recipients whose cellphone charges are deducted from their salaries.
- 4.10 If the Municipal cell phone contract is not due for upgrade and the employee's/ councillor's term of office has expired or resigned and wants to retain the cell phone & SIM card, the recipient will be liable to pay a fee for the cell phone that will be determined by the Municipal Manager at that time and also transfer the contract from the Municipality's account to his/her account before the recipient's last date of resignation.

4.11 Failure by any Municipal employee and councillor to comply with section 4.8 and 4.9 shall be deemed as an offence and disciplinary action & other law enforcements will apply.

5. Use of Private Cell Phones

5.1 The Municipal Manager may authorise a councillor or staff member to whom a cell phone has not been provided under section 2 to use his or her personal cell phone for business purposes, subject to such limitations (including as to costs) and conditions as the Municipal Manager may deem fit.

5.2 Only a cell phone for which air time is provided on a contract basis and for which an itemised bill is provided may be used for purposes of this section.

5.3 A person who is authorised to use his or her personal cell phone under section 5.1 shall be entitled to claim reimbursement from the municipality only for the costs (as billed to such person) incurred in making actual calls for business purposes in accordance with the limitations and conditions contemplated in 5.1. The Municipality shall not be liable to pay any portion of such person's fixed cell phone costs or other operating costs. The maximum amount which may be claimed each month hereunder (which shall in any event be subject to any limitation imposed by the Municipal Manager under 5.1) shall not exceed R200.00, provided that the Municipal Manager of the Municipality may in any particular case authorise a higher maximum amount.

5.4 Claims for the reimbursement of the costs of such calls shall be made as follows:

5.4.1 Any such claim must be submitted to the Chief Financial Officer within 10 days of the last day of the month in which the cost is incurred;

5.4.2 The claim must be made in the form approved by the Municipal Manager, and must be accompanied by a copy of the cell phone airtime bill issued to the person concerned, on which the calls for which the claim is made are clearly highlighted;

5.4.3 The claim must be signed by the claimant as well as by the Municipal Manager and the head of the relevant department;

5.4.4 If the claim is in order, the claimant should be reimbursed within 7 days of submitting the claim.

5.5 No person shall be entitled to be reimbursed for the costs of calls made on his or her private cell phone unless he or she has been authorised to use such cell phone under this section.

5.6 A recipient to whom a cell phone has been provided in terms of section 2 shall not be authorised to use his or her private cell phone for business purposes and be reimbursed for such use unless the provided cell phone has been lost or stolen or is undergoing repairs or servicing and no replacement phone has been provided to him or her

6. Reporting

The Chief Financial Officer shall report to the Municipal Manager every month on the following:

- 6.1 The total expenditure on cell phones for each recipient in each month;
- 6.2 The total expenditure on cell phones for the entire municipality (including charges relating to use of private cell phones);
- 6.3 Contraventions of this policy in every month, and the identities of persons so contravening it;
- 6.4 Losses and theft of cell phones in every month.

7. Introducing this policy

Due to the fact that there are some existing arrangements with regards cell phones between the Municipality and Councillors/Staff, it is stated that this cell phone policy will be phased in over a period not exceeding 24 months (or 31 August 2015). During this time all existing cell phone/data contracts will continue until it reaches its normal expiry date. Once the expiry date is reached, it will be compulsory to enter into a new agreement in accordance with this policy.

8. Administration of Policy

The Municipal Manager shall be responsible for the administration and enforcement of this policy, provided that he may delegate any of his functions hereunder to any member or members of staff of the Municipality.